

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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RAFAEL CARREON, on behalf of himself
and all other persons similiary situated,

Plaintiff,

v.

Civ. No. CV 07-3633

BEM BOLADO FOOD CORP., BARDOLINO'S
and VALBER ROQUE JUNIOR,

**NOTICE OF APEARANCE
and VERIFIED ANSWER**

Defendants.

-----X

SIRS:

PLEASE TAKE NOTICE, that the defendants, BEM BOLADO FOOD CORP., BARDOLINO'S and VALBER ROQUE JUNIOR, as they appear in the named complaint, by their attorneys McCulloh & Weiss, LLC., hereby appears in this proceeding and demands that you serve all papers and notices in this proceeding upon the undersigned at the office address stated below.

PLEASE TAKE FURTHER NOTICE, that the defendants, by their attorneys McCulloh & Weiss, LLC., as and for their Verified Answer to Plaintiff's Verified Complaint, respectfully alleges upon information and belief:

1. Admits the allegations contained in paragraphs 7, 8, 15 and 16 of the complaint.
2. Denies each and every allegation contained in paragraphs 1, 12, 14, 17, 23, 24, 25, 26, 27, 31, 32 and 33 of the complaint.
3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 6, 10, 11, 21-question not clear, 22 and 30 of the complaint.

4. Neither admits or denies allegations contained in paragraphs 2, 3, 4, 5, 9, 13, 19, 20, 29 and in that they involve questions of law.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

5. Plaintiff's Complaint fails to state a cause of action upon which relief can be granted.

WHEREFORE, the defendants request that the Verified Complaint be dismissed in its entirety and such other relief as to the Court deems just and proper.

Dated: New York, New York
June 28, 2007

By: s/William C. McCulloh
William C. McCulloh, Esq.
McCULLOH & WEISS, LLC.
Attorneys for Defendants
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To the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of the annexed Verified answer and the contentions therein are not frivolous as defined in Subsection (c) of Section 130-1.1.

Dated: New York, New York
June 29, 2007

By: _____
WILLIAM C. McCULLOH, Esq.

McCulloh & Weiss, LLC.
Attorneys for Defendants
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